

AMENDED IN ASSEMBLY APRIL 22, 2010

AMENDED IN ASSEMBLY APRIL 7, 2010

CALIFORNIA LEGISLATURE—2009–10 REGULAR SESSION

ASSEMBLY BILL

No. 2583

Introduced by Assembly Member Hall

February 19, 2010

~~An act to add Section 13003 to the Water Code, relating to water quality. An act to add Section 25536.6 to the Health and Safety Code, relating to hazardous substances.~~

LEGISLATIVE COUNSEL'S DIGEST

AB 2583, as amended, Hall. ~~Water quality: treatment chemicals. Water treatment: hazardous materials.~~

(1) Existing law provides for the California accidental release prevention (CalARP) program for the prevention of accidental releases of regulated substances, which requires the owner or operator of a stationary source to prepare a risk management plan (RMP) when required under certain federal regulations or if the administering agency determines there is a significant likelihood of a regulated substance accident risk. Existing law requires the Office of Emergency Services and local administering agencies to implement CalARP, and certain violations of CalARP are crimes. Existing law creates the California Emergency Management Agency (Cal EMA) as the successor agency to the Office of Emergency Services.

This bill would require Cal EMA, by January 1, 2013, to adopt regulations to require a public water system or wastewater treatment plant that is a stationary source and is required to prepare and submit an RMP to additionally consider the use of safer technologies by the

public water system or wastewater treatment plant in that RMP. Because a violation of CalARP is a crime, the bill would impose a state-mandated local program by creating a new crime.

(2) The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

~~Existing law declares that activities and factors that may affect the quality of the waters of the state shall be regulated to attain the highest water quality that is reasonable, considering all demands being made and to be made on those waters and the total values involved, beneficial and detrimental, economic and social, tangible and intangible.~~

~~This bill would require water agencies, as defined, and their direct suppliers, in order to mitigate the potential catastrophic harm involved in the unintended and intentional releases of hazardous substances that are in transit, to utilize raw material chemical products derived from safer technology, as defined, if the products derived from safer technology are appropriate, given the disinfection methodology used by the water agency, and commercially available without being materially cost prohibitive to the water utilities or rate payers. The bill would provide that this requirement applies to water agencies operating potable water treatment facilities, nonpotable water treatment facilities, or both.~~

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: ~~no~~-yes.

The people of the State of California do enact as follows:

- 1 SECTION 1. Section 25536.6 is added to the Health and Safety
- 2 Code, to read:
- 3 25536.6. (a) For purposes of this section, the following
- 4 definitions shall apply:
- 5 (1) "Cal EMA" means the California Emergency Management
- 6 Agency.
- 7 (2) "Public water system" has the same meaning as defined in
- 8 Section 116275.
- 9 (3) "Safer technology" means a technology, product, raw
- 10 material, or practice, the use of which, as compared to currently

1 *used technologies, products, raw materials, or practices,*
2 *significantly reduces or eliminates both of the following:*

3 *(A) The possibility of release of hazardous or potentially*
4 *hazardous raw materials used for purposes of water treatment.*

5 *(B) The hazards to public health and safety and the environment*
6 *associated with the release or potential release of hazardous or*
7 *potentially hazardous raw materials used for purposes of water*
8 *treatment.*

9 *(4) "Wastewater treatment plant" has the same meaning as*
10 *defined in Section 13625 of the Water Code.*

11 *(b) On or before January 1, 2013, Cal EMA, in consultation*
12 *with the administering agencies, local water agencies, the public,*
13 *and interested parties, shall adopt regulations to require a public*
14 *water system or wastewater treatment plant that is a stationary*
15 *source and that is required to prepare and submit an RMP*
16 *pursuant to this article to additionally consider the use of safer*
17 *technologies by the public water system or wastewater treatment*
18 *plant, in accordance with all of the following:*

19 *(1) The operator of the public water system or wastewater*
20 *treatment plant shall, as part of the RMP, identify those process*
21 *modifications needed to mitigate the potential catastrophic harm*
22 *from the unintended and intentional releases of hazardous*
23 *substances when transported for use as raw materials by the public*
24 *water system or wastewater treatment plant and its direct suppliers.*

25 *(2) The RMP shall require the public water system or*
26 *wastewater treatment plant to utilize raw material chemical*
27 *products derived from safer technology if the products derived*
28 *from safer technology are appropriate, given the disinfection*
29 *methodology used by the public water system or wastewater*
30 *treatment plant, are commercially available, and are chosen based*
31 *on a comparison of the safety and environmental effects of the*
32 *alternatives.*

33 *(3) The comparison made pursuant to paragraph (2) shall take*
34 *into consideration, to the extent feasible, raw materials acquisition,*
35 *production, manufacturing, packaging, distribution, reuse,*
36 *operation, maintenance, disposal, energy efficiency, product*
37 *performance, durability, safety, the needs of the purchaser, and*
38 *cost.*

39 *(c) The regulations adopted pursuant to this section shall not*
40 *require the acquisition of goods or services that do not perform*

adequately for their intended use, exclude adequate competition, or are not available at a reasonable price in a reasonable period of time.

SEC. 2. No reimbursement is required by this act pursuant to Section 6 of Article XIII B of the California Constitution because the only costs that may be incurred by a local agency or school district will be incurred because this act creates a new crime or infraction, eliminates a crime or infraction, or changes the penalty for a crime or infraction, within the meaning of Section 17556 of the Government Code, or changes the definition of a crime within the meaning of Section 6 of Article XIII B of the California Constitution.

SECTION 1. ~~Section 13003 is added to the Water Code, to read:~~

~~13003. (a) Water agencies, as defined in Section 12970, and their direct suppliers, in order to mitigate the potential catastrophic harm involved in the unintended and intentional releases of hazardous substances as they are transported for use as raw materials by the water agencies and their direct suppliers, shall utilize raw material chemical products derived from safer technology if the products derived from safer technology are appropriate given the disinfection methodology used by the water agency, and are commercially available without being materially cost prohibitive to the water utilities or rate payers.~~

~~(b) This section applies to water agencies operating potable water treatment facilities, nonpotable water treatment facilities, or both.~~

~~(c) As used in this section, "safer technology" means a technology, product, raw material, or practice, the use of which, as compared to currently used technologies, products, raw materials, or practices, significantly reduces or eliminates both of the following:~~

~~(1) The possibility of release of hazardous or potentially hazardous raw materials used for purposes of water treatment.~~

~~(2) The hazards to public health and safety and the environment associated with the release or potential release of hazardous or potentially hazardous raw materials used for purposes of water treatment.~~